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ON August 12, 2004

Debrae Castle-Reylor
NAME

August 12, 2004
DATE

Attorney Docket No. P31957

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Coates et al.	Mail Date:	August 12, 2004
Serial No.:	09/600,984	Group Art Unit:	1625
Filed:	February 15, 2001	Examiner:	Janet L. Coppins
For:	QUINOLINE DERIVATIVES AS ANTI-BACTERIALS		

Assistant Commissioner for Patents
Alexandria, VA 22313

RESPONSE TO NON-COMPLIANCE LETTER

This response to a Notice of Non-Compliant Amendment under 37 C.F.R. § 1.121 mailed July 14, 2004 having a one (1) month shortened statutory period for reply.

In the April 30, 2004 restriction requirement response, applicants noted that the Examiner restricted cancelled claims 1-16, instead of the correct pending set of claims 17-34, which were set forth in the July 25, 2000 Preliminary Amendment. A copy of the July 25, 2000 Preliminary Amendment was attached with that response.

In light of the foregoing, applicants made a provisional election of Group I and a corresponding species (i.e., identified as Example 87 at page 66, lines 26 to 35 to page 67, lines 1-20 of the specification) with traverse and requested that a new restriction requirement be issued based upon pending claims 17-34 and that the record and pendency time be corrected to reflect this error. No new claims were submitted with the April 30, 2004 response.

In response to applicants' restriction election response, the U.S.P.T.O. issued a July 14, 2004 Notice of Non-Compliance to indicate that amendments to the claims were made where "each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified."

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Applicants respectfully point out that no new claims were submitted in the above-identified application and that only a copy of a previously filed July 25, 2000 Preliminary Amendment (pre-identifier status rule change) was attached for the convenience of the Examiner so that a proper restriction could be issued based on the pending claims.

In light of this, as no claim amendments were made to any pending claims, applicants respectfully maintain that the Notice of Non-Compliance was issued in error.

Therefore, applicants respectfully request that the Examiner withdraw the July 14, 2004 Notice of Non-Compliance, issue a new restriction requirement based upon pending claims 17-34 as set forth in the July 25, 2004 Preliminary Amendment and 34 and that the record and pendency time be corrected to reflect this error.

CONCLUSION

In view of the above amendments and remarks, applicants believe that the claims of the present application are in condition for allowance and is earnestly solicited.

If any additional fees or charges are required authorization is hereby granted to charge any necessary fees to Deposit Account No. 19-2570 accordingly.

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned attorney at the number below.

Respectfully submitted,



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